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UNCLAS SECTION 01 OF 02 BOGOTA 013217

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E.O. 12958: DNG: UN 12/30/2014

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SUBJECT: OVERVIEW OF CONGRESSIONAL SESSION

REF: A) BOGOTA 12860

B) BOGOTA 9325

C) BOGOTA 8856

D) BOGOTA 7424

11. (SBU) Summary: Passage of presidential reelection reform and implementing legislation for a new criminal procedure code were the principal accomplishments of the last session of Congress. Political wrangling prevented the Congress from dealing effectively with key pension and tax reform bills. Media coverage claiming Congressional indolence, a circus-like appearance before Congress by paramilitary leaders, and a decision by the Constitutional Court to strike down anti-terrorism legislation based on procedural irregularities were low points. President Uribe has continued to maintain high approval ratings in spite of tension with the Legislative Branch. Congress is ignoring public opinion at its own peril. End Summary.

12. (U) The most notable accomplishment of the July-December Congressional session was passage of Constitutional reform to permit presidential reelection (ref A). That issue occupied a large portion of the Congressional agenda during the period. In addition, Congress passed (and the President signed) a new criminal procedure code (ref B), which will bring an accusatory (oral) criminal justice system into force on January 1 in Bogota and the Coffee Region Departments (Caldas, Quindio, and Risaralda). Congress also passed legislation to implement the new penal code and organizational law of the Prosecutor General's Office (Fiscalia) and completed the first two of the required four rounds of approval of pension reform legislation, including measures to end additional monthly payments and special pension regimes and cap the highest pensions at 25 times the minimum wage.

13. (SBU) Congress was unable to pass legislation on tax reform, a key component of President Uribe's domestic agenda, and the prolonged impasse over the issue negatively impacted the session's productivity. Working together with the GOC, various proposals were floated in Congress concerning changes to the value added tax (VAT). Debate centered on expanding the basket of taxable items at a lower rate, or raising the VAT on currently taxed items. Toward the end of the session, lawmakers from the Conservative (normally allied with the President) and Officialist Liberal Parties, and several small left-of-center movements, walked out, killing fiscal reform for 2004.

14. (SBU) Uribista (pro-Uribe) Liberals reneged on earlier commitments to Conservatives, Officialist Liberals, and center-left movements to support a so-called "Opposition Statute," which would have mandated that the second-place party in presidential elections be awarded the directorships of governmental watchdog agencies such as the Inspector General's Office (Procuraduria) and the Comptroller (Contraloria). The backlash from Conservatives over this issue torpedoed other key pieces of legislation. The "Bancadas" law, geared toward strengthening internal party discipline within the Congress, is under consideration by the House but has made little progress. The legislation, which would require the naming of whips and would strictly allocate debate time based on party size, has met with resistance from the small center-left parties, Officialist Liberals, and even some Uribistas.

15. (SBU) Media attention on empty plenary sessions, early suspension of planned debates, and other signs of procedural wrangling caused a deterioration of the public's already low opinion of Congress. Of all public institutions in Colombia, the Congress is consistently viewed in the most negative light in major polls. Congress' standing with the public and leading media outlets also suffered from the circus-like atmosphere of an appearance in Congress by paramilitary commanders in July (ref D). In addition, the Constitutional Court's decision to strike down controversial anti-terrorism legislation passed by Congress (ref C) called the institution's deliberative mechanisms into question. The

Court overturned the legislation based on alleged coercion and fraudulent vote counting. Tension between the Congress and high courts--including draft legislation to abolish the Constitutional Court--could spill over into 2005 as the Court hears suits brought against various pieces of legislation.

16. (SBU) Comment: With Congressional and Presidential elections scheduled for March and May 2006, respectively, the relationship between the executive and legislative branches will grow more politicized. Some of the proposed tax measures would affect middle and upper-middle class Colombians, and are a difficult sell. In addition, members of Congress are starting to focus on their reelection prospects, and their voting will become even more focused on local issues, including patronage and pork, two areas in which Uribe has not been willing to accommodate legislators. Uribe's integrity may have earned points with voters, but not with the legislators, who would benefit from more political largesse.

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